

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

FIVE STAR BANK,

Plaintiff,

v.

CASE NO. 6:24-CV-06153-FPG

KATHERINE MOTT; ROBERT HARRIS; KRM
EVENTS, LLC; KATHERINE'S ON MONROE, LLC;
THE DIVINITY ESTATE AND CHAPEL, LLC; KNC
ELEGANCE, LLC D/B/A THE WINTERGARDEN BY
MONROES; 11 WEXFORD GLEN, LLC; RCC
MONROES LLC; NAF REMODELING LLC;
MONROES AT RIDGEMONT LLC CRESCENT
BEACH AT THE LAKE LLC; MOTT
MANAGEMENT LLC,

**NOTICE OF MOTION FOR
APPROVAL TO RETAIN
PROFESSIONAL
ASSISTANCE**

Defendants.

PLEASE TAKE NOTICE that, pursuant to this Court's Order Appointing Receiver Over the Defendant Entities (ECF Dkt. No. 39), entered by this Court on April 8, 2024, Court-appointed Reciver, Mark R. Kercher, by and through Harter Secrest & Emery LLP, hereby moves this Court for an Order approving his request to retain an assistant and a law firm to assist him in the performance of his Court-prescribed duties in connection with the management of the Entity Defendants' operations and financial affairs.

In light of the circumstances set forth in the accompanying declaration, Respondent respectfully requests that the Court's consideration and determination of this request be performed as expeditiously as possible and without the need for formal motion practice. But should motion practice or an appearance or argument be required, the Receiver will make himself available at the Court's convenience at a return date set by the Court.

In support of this motion, the Receiver submits his own declaration, dated May 9, 2024, with Exhibits A and B.

Dated: May 9, 2024

Respectfully submitted,

HARTER SECRET & EMERY LLP

By:



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CERTIFICATE OF SERVICE

I hereby certify that, on March 11, 2024, I served the foregoing document on David H. Ealy, counsel for all Defendants, via UPS Overnight Delivery and email to the following address and email:

David H. Ealy
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John G. Horn, E